

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 18-cr-146-jdp

PETER JEWELL-REIGEL,

Defendant.

PRELIMINARY ORDER OF FORFEITURE

Based upon the motion of the United States, the entire file in this case, and good cause appearing, the Court finds that:

1. On October 11, 2018, a federal grand jury sitting in Madison, Wisconsin returned an indictment against defendant Peter Jewell-Reigel. Count one of the indictment charged that on or about August 4, 2018, at approximately 1:44 a.m., the defendant knowingly received three visual depictions using a facility of interstate commerce, and the production of such visual depictions involved the use of a minor engaging in sexually explicit conduct, and the depictions are of such conduct, specifically, the defendant received text messages that contained three visual depictions of a minor, KV #1, engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(2). Count two charged that on or about August 4, 2018, at approximately 2:01 a.m., the defendant knowingly received a visual depiction using a facility of interstate commerce, and the production of such visual depiction involved the

use of a minor engaging in sexually explicit conduct, and the depiction is of such conduct, specifically the defendant received a text message that contained a visual depiction of a minor, KV #1, engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(2). Count three charged that on or about August 5, 2018, the defendant knowingly received a visual depiction using a facility of interstate commerce, and the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct, and the depiction is of such conduct, specifically, the defendant received a text message that contained a visual depiction of a minor, KV #1, engaged in sexually explicit conduct, in violation of Title 18, United States Code, Section 2252(a)(2). The indictment also contained a forfeiture allegation for the forfeiture of:

- a. any and all visual depictions which are or appear to be child pornography, together with the storage media in which they are contained, including books and magazines, seized from the defendant's residence; and
- b. any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including an LG-M150 cell phone.

ECF No. 1.

3. On December 7, 2018, the defendant pleaded guilty to count one of the indictment. In the plea agreement, the defendant agreed to the forfeiture of any electronic device seized by the FBI on September 17, 2018. Dkt. No. 13.

IT IS THEREFORE ORDERED:

1. That based upon Peter Jewell-Reigel's plea, and pursuant to Title 18, United States Code, Section 2253; Title 21, United States Code, Section 853; and Rule 32.2 of the Federal Rules of Criminal Procedure, the defendant forfeits to the United States his right, title, and interest in the following:

- a. any and all visual depictions which are or appear to be child pornography, together with the storage media in which they are contained, including books and magazines, seized from the defendant's residence; and
- b. any and all property used or intended to be used to commit or to promote the commission of the aforementioned offense, including two LG-M150 cell phone.

2. The government is directed to seize and take custody of the above-referenced property.

3. Pursuant to 21 U.S.C. § 853 (n), as incorporated by 18 U.S.C. § 2253(b), the United States shall publish notice of the order and of its intent to dispose of property in such a manner as the Attorney General may direct. Any other person, other than the defendant, having or claiming a legal interest in any of the forfeited property must file a petition with the Court within thirty days of final publication notice or receipt of actual notice, whichever is earlier.

a. The petition shall be for a hearing to adjudicate the validity of a petitioner's alleged interest in the forfeited asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title,

or interest in the forfeited asset and any additional facts supporting the petitioner's claim and the relief sought.

b. The United States may also, to the extent practicable, provide direct written notice to any person who has an alleged interest in the forfeited asset, as a substitute for published notice.

4. Upon adjudication of any and all third party interests, this Court will enter a Final Order of Forfeiture, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

ORDERED this _____ day of December 2018.

JAMES D. PETERSON
United States District Judge